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Practitioner's Docket No. ST22-031

PATENT

DEPARTMENT OF FINANCE  
REFUND BRANCH

APR 16 2004 PM 10:14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
US PATENT & TRADEMARK  
OFFICE

In re application of: Songgang Qiu, et al.

Application No.: 10/016,966 Group No.: 2834  
Filed: December 14, 2001 Examiner: Judson JonesAssistant Commissioner for Patents and Trademarks  
P.O. Box 1450, Mail Stop 16, Alexandria VA 22313-1450

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

## I. RETURN OF REFUND REQUEST

This is a request for a refund, with respect to the debit to Deposit Account 23-0925, shown on the statement dated April 14, 2004 for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request. A copy of the Response to 12/17/03 Office Action, Remarks section, page 12, 13,14, accompanies this request.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

## FACSIMILE

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231.

XX transmitted by facsimile to the Patent and Trademark Office, 703-308-6778

Date: 16 April 2004

  
Signature

Rhonda G. Rambo

(Type or print name of person certifying)

(Request for Debit (Improper Credit of Deposit Account)—page 1 of 2)

6 Pages total

Adjustment date: 05/12/2004 EEKUBAY1  
04/14/2004 LHINTON 00000001 230925 10016966  
01 FC:1201 86.00 CR

05/12/2004 EEKUBAY1 00000048 230925 10016966  
01 FC:2201 43.00 DA

04/16/04 FRI 18:08 [TX/RX NO 7403] 001

**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

	<b>AMOUNT OF REFUND REQUESTED</b>
Improper charge for (large entity) Independent Claims in Excess of 3	\$86.00
<b>TOTAL REFUND REQUESTED</b>	<b>\$86.00</b>

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

On April 1, 2004 we filed an Office Action Response to the December 17, 2003 PTO Communication; however, at the time of filing this office action response we did not submit payment for one independent claim (small entity), in excess of the six independent claims already paid for.

This client is small entity.

The application when filed had 39 claims, including 5 independent claims. The response to the first Office Action (filed 10/7/03) dropped the total to 28 claims with one extra independent claim (for total of 6) -- and we paid for the one extra independent claim on 10/7/03.

The second (filed on 4/1/04) response changed the total to 23 claims, including 7 independent claims. The total of \$43.00 for the new independent claim should be charged to our PTO Deposit Account.

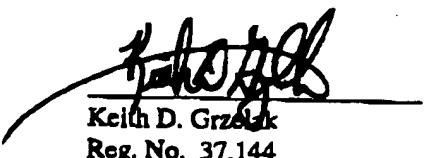
Please credit our Deposit Account No. 23-0925 for the total amount of \$86.00.

Please debit our Deposit Account No. 23-0925 for the total amount of \$43.00, (small entity) for one additional independent claim filed with our office action response on April 1, 2004.

**IV. MANNER OF REFUND**

Please Credit Account No. 23-0925.

Date: 04/16/04

  
 Keith D. Grzeck  
 Reg. No. 37,144  
 Wells St. John P.S.  
 601 West First Ave., Suite 1300  
 Spokane, WA 99201-3828  
 Tel. No.: (509) 624-4276  
 Customer No.: 021567

(Request for Debit (Improper Credit of Deposit Account)—page 2 of 2)



**United States  
Patent and  
Trademark Office**

United  
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Office

**Deposit Account Statement**

**Requested Statement Month:** April 2004  
**Deposit Account Number:** 230925  
**Name:** WELLS ST JOHN PS  
**Attention:** RHONDA RAMBO  
**Address:** 601 WEST FIRST AVENUE SUITE 1300  
**City:** SPOKANE  
**State:** WA  
**Zip:** 89201-3817

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEES CODE	AMT	BAL
04/01	2	PCT/US04/01413	9204		-\$520.00	\$12,357.00
04/01	10	09920979	MI22-1698	1251	\$110.00	\$12,247.00
04/02	32	10236282	MI22-2119	1806	-\$180.00	\$12,427.00
04/02	971	78179451	CY2-199	7003	\$100.00	\$12,327.00
04/05	1	78255677	WI4-105	6001	\$335.00	\$11,992.00
04/06	1	10315427	MI40-353	1801	\$770.00	\$11,222.00
04/06	2	10315427	MI40-353	1808	\$180.00	\$11,042.00
04/06	113	10630433	MI22-2352	1806	\$180.00	\$10,862.00
04/06	144	10133193	MI22-1874	1808	\$180.00	\$10,682.00
04/07	3	10371695	PRIORIMI22-2	1202	\$54.00	\$10,628.00
04/07	31	10133193	MI22-1874	1806	-\$180.00	\$10,808.00
04/07	170	10071453	MI22-1921	1801	\$770.00	\$10,038.00
04/07	171	10071453	MI22-1921	1251	\$110.00	\$9,928.00
04/08	659	78202345	ST18-111	7003	\$100.00	\$9,828.00
04/09	1238	76370809	GO37-101	7004	\$150.00	\$9,678.00
04/09	1359	78399458	HU19-102	7001	\$335.00	\$9,343.00
04/09	1397	78399484	HU19-103	7001	\$335.00	\$9,008.00
04/12	49	10820568	MI22-2481	1201	\$86.00	\$8,922.00
04/13	17	PAYMENT	9203		-\$8,000.00	\$14,922.00
04/14	1	10016966	ST22-031	1201	\$86.00	\$14,836.00
04/14	107	10822082	9204		-\$86.00	\$14,822.00
04/15	1218	76174600	PO4-1146	7004	\$150.00	\$14,772.00
04/15	1281	76229939	PO4-1150	7004	\$150.00	\$14,622.00
04/15	1348	76238557	PO4-1151	7004	\$150.00	\$14,472.00
04/16	20	76288996	PO4-1153	7004	\$150.00	\$14,322.00
04/16	52	76371492	PO4-1174	7004	\$150.00	\$14,172.00
04/16	418	76371493	PO4-1175	7004	\$150.00	\$14,022.00
04/16	439	76423513	PO4-1183	7004	\$150.00	\$13,872.00
04/16	521	78402703	PO4-1236	7001	\$335.00	\$13,537.00
04/16	529	78402705	PO4-1237	7001	\$335.00	\$13,202.00

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Amdt. dated 4/1/04  
Response to Office Action of 12/17/03

**REMARKS**

In the Office Action, the Examiner noted that claims 19-46 are pending in the application; that claims 27-39 are allowed; that claims 20-24, 40 and 43-45 are objected to; and that claims 19, 25-26, 41-42 and 46 are rejected. By this response, claims 19, 25-26 and 42-43 have been cancelled, and claims 40-41 and 44-46 have been amended. Thus, claims 20-24, 27-41, and 44-46 are pending in the application.

**Allowed and Allowable Claims**

Applicant respectfully thanks the Examiner for the allowance of claims 27-39. Furthermore, claims 20-24 and 43-45 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 20-24 were already indicated as allowable in the previous Office Action dated May 8, 2003, and were amended to place them in condition for allowance in the last amendment, dated October 7, 2003. A telephone call between Applicants' attorney and the Examiner on January 29, 2004 confirmed this error in the last Office Action. Hence, claims 20-24 are believed to be allowable in the present amended form.

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**Claim Objections**

Claim 40 is objected to because of the following informalities: the phrase "and operative to generate a vibration force generated by the axially reciprocating machine" is unclear. Claim 40 has been amended to overcome the objection. Accordingly, withdrawal of this objection is respectfully requested.

**Rejections Under 35 U.S.C. §103**

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Champion, et al.* (U.S. Patent 5,836,165 A), in view of *Livingstone, et al.* (U.S. Patent 5,018,357 A). Claims 25 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Champion, et al.*, as modified by *Livingstone, et al.*, as applied to claim 19, above, and further in view of *Nakanishi, et al.* (U.S. Patent 5,117,642 A). Claims 41, 42 and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Funatsu, et al.* (U.S. Patent 6,079,960 A) in view of *Champion, et al.*

Claims 19, 42 and 43 have been cancelled herein and the base independent claim for claim 46 has been added.

Withdrawal of these rejections is respectfully requested.

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**CONCLUSION**

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully

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Response to Office Action of 12/17/03

requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

Dated: 04/01/04

By:

  
Keith D. Grzelak

Reg. No. 37,144

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TOTAL P.06

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